IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9268 of 2005

Between:

1 Mamidi Srinivas, S/o. Sarvaiah, Somaram Village, Nereducherla Mandal, Nalgonda District.
2 Nandipati Peramaiah, S/o.Chinna Abbaiah,
Somaram Village, Nereducherla Mandal,
Nalgonda District.
3 Nandipati Emiel, S/o.Lakshmaiah,
Somaram Village, Nereducherla Mandal,
Nalgonda District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Miryalguda, Nalgonda District.
2 The District Collector, Nalgonda District.
3 S.D.Abbas S/o. Rajab Ali, H.No.2-123, Somaram (Village), Nereducherla Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders more particularly one in the nature of writ of Mandamus declaring the action of the Respondent No.1 here in appointing the Respondent No3 as the Fair Price Shop Dealership of Somavaram Village, Nereducherla Mandal, Miryalguda Division, vide proceedings No.E2/1683/2004 dt.30.03.2005 as illegal, arbitrary, violation of Art.14 of Constitution of India and violation of principles of natural justice and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.GAJJALAVENKATA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Aggrieved by the orders of the first respondent dated
30-3-2005 appointing the third respondent as fair price shop dealer, the petitioner filed this writ petition.

The case of the petitioner is that in pursuance of the notification for appointment of fair price shop dealer, Somavaram village, the first respondent conducted interviews on 28.3.2005, but without displaying the results, directly appointed the third respondent as fair price shop dealer for Somavaram village. Against the said appointment, the petitioner preferred an appeal before the second respondent, which is pending.

However, as per the provisions of the Control Order, 2001, against the order of the RDO, appeal is provided to the Joint Collector. But the petitioner, questioning the order of the first respondent, filed appeal before the District Collector-second respondent instead of preferring before the Joint Collector. Actually against the order of the Joint Collector, revision lies with the District Collector.

Having regard to the facts and circumstances of the case, the writ petition is dismissed at the stage of admission as not maintainable with a direction to the petitioner to approach the competent authority for redressal of his grievance. No costs.

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kvsn 28-04-2005

To

1 The Revenue Divisional Officer, Miryalguda, Nalgonda District.

2 The District Collector, Nalgonda District.

3 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

4 Two CD copies.